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April 28, 2011

VIA ECF

The Honorable Magistrate Arlene R. Lindsay
United States Magistrate Judge
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722

Re: *TD Bank, N.A. v. JP Morgan Chase Bank, N.A., et al.*,
E.D.N.Y. Case No.: 10-CV-2843 (JG) (ARL)

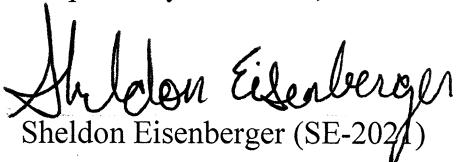
Dear Magistrate Judge Lindsay:

We represent interpleader defendant Max Kahan, Inc. ("Kahan") in the above referenced action.

While we are mindful not to unnecessarily burden the Court, we unfortunately feel compelled to write to Your Honor to respectfully request that the Court rule on Kahan's pending motion to compel the deposition of Vicky Lau. The reason for the urgency for a decision is that, if we were to accept the representations made by JP Morgan Chase Bank, N.A. ("Chase") in its opposition dated April 21, 2011 to Kahan's motion, Ms. Lau will be on maternity leave commencing May 3, 2011 through August 2011 (well after the discovery deadline in this action.)

Without overstepping our bounds, despite Chase's attempt to downplay the role of Ms. Lau in this action, she has critical information which we were unable to obtain from other deponents and Kahan should not be foreclosed from taking her deposition due to the gamesmanship of Chase's counsel.

Respectfully submitted,


Sheldon Eisenberger (SE-2021)

cc: Andrea Likwornik Weiss (via ECF)